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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,204	06/28/2004	Marco Winter	PD010078	5298

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Patent Operations-Thomas multimedia Licensing Inc
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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT PAPER NUMBER

2164

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,204

Applicant(s)

WINTER ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application No. 10/500204 filed on 6/28/2004 has been examined. In this Office Action, claims 1-13 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The examiner has considered the certified copy of the Application European 2001 01131036.4 dated 12/28/2001 for priority claiming.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 6/28/2004 is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

Specification

4. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because disclosure is referring to a claim in Summary section, on page 2, line 11 as "claim 1" and the disclosure is referring to a claim in Detailed description section, on page 5, line 6 as "claim 5".

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. § 112, second paragraph because claim 1 recites the limitation as "said first type" in line 11. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 1, line 18 claiming as “a device or process” and it is not clear what kind of device or process is not defined and the claim is vague and indefinite.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 6-12 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claim 6 deals with simple mathematical abstract idea. A claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and tangible results. See *Diehr*, 450 U.S. at 186 and *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guck (US Patent 5,864,870) hereinafter Guck and in view of Esquibel et al. (US Patent 6,662,186) hereinafter Esquibel.

12. As per independent claim 1, Guck teaches a method for storing on a server of files of various formats using an object database coupled to a network with clients (col. 3, lines 26-29). Guck teaches the claimed, receiving data of different data types (Fig. 5, col. 7, lines 10-13). Guck teaches the claimed, analyzing said received data (Fig. 3, col. 9, lines 48-49). Guck teaches the claimed, detecting the format of the received data (Fig. 5, col. 7, lines 10-13).

Guck does not explicitly using a machine-interpretable link and associated data. However, Esquibel teaches the claimed, detected format for evaluating whether said data contain at least one machine-interpretable link and associated data, any other data except data of said first type, or a mixture of said machine-interpretable link and associated data with said other data (Fig. 1, col. 4, lines 59-65). Further, Esquibel teaches the claimed, evaluating whether said technical device is able to interpret said data for reproducing a physical representation of said data (Fig. 1, col. 4, lines 41-43). Esquibel teaches the claimed, supplying the result of said first evaluation and the result

of said second evaluation to a device or process for data type dependent processing of said data (Fig. 1, col. 4, lines 59-65).

Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

13. As per dependent claim 2, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, for data being interpretable by said technical device is also indicated whether the format type of said data is one of a number of specified format types (Fig. 1, col. 4, lines 44-47). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

14. As per dependent claim 3, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, for data being not interpretable by said technical device is also indicated if it is text (Fig. 1, 4, col. 7, lines 55-58).

15. As per dependent claim 4, Guck teaches the claimed, technical device is a data sorting device, a database management system or a data content browser (Fig. 1, col. 4, lines 41-47).

16. As per dependent claim 5, Apparatus for automatic detection of data types for data type dependent processing. This claim is rejected under the same rationale as claim 1.

17. As per independent claim 6, Guck teaches a method for storing on a server of files of various formats using an object database coupled to a network with clients (col. 3, lines 26-29, Fig. 2, col. 6, lines 31-48). Guck teaches the claimed, receiving data (Fig. 5, col. 7, lines 10-13). Guck teaches the claimed, determining if said received data is a container data type (Fig. 2, col. 7, lines 61-67). Guck teaches the claimed, determining said received data is at least one of a metadata data type and essence data type, when said received data is not determined to be of said container data type (Fig. 4B, col. 9, lines 25-33). Guck does not explicitly using a machine-interpretable link and associated data. However, Esquibel teaches the claimed, determining said received data is at least one of physical data type and abstract data type, after said step of determining whether said received data is metadata data type and essence data type (Fig. 6, col. 8, lines 27-40).

Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references

because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

18. As per dependent claim 7, Guck teaches the claimed, received data is determined to be said container data type when a portion of data selected from said received data has been previously determined being said metadata data type (Fig. 2, 5, col. 7, lines 10-13 and 61-67).

19. As per dependent claim 8, Guck teaches the claimed, container data type comports to an HTML compatible data format (Fig. 4,A, col. 8, lines 36-45).

20. As per dependent claim 9, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, received data is determined to be said metadata data type when said data comprises a link with an essence related to said link (Fig. 4, col. 7, lines 34-44). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

21. As per dependent claim 10, wherein said received data is determined to be said essence data type instead of said metadata data type.

22. As per dependent claim 11-13, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, received data is determined to be said physical data type when said received data is capable of being of being interpreted by a device implementing said method (Fig. 1, col. 4, lines 59-65). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Examiner

srp
March 17, 2006